

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 18, 2008

DIVISION ONE

B205168 Reggie I. Bishop (Not for Publication)
 v.
 Alcue Jones

The judgment is affirmed. Respondent(s) to recover costs.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B208305 Los Angeles County, D.C.F S. (Not for Publication)
 v.
 D.H.

The orders are affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

December 18, 2008 (Continued)

DIVISION TWO (continued)

B209072 People v. Lowry (Not for Publication)

The Court:

The order under review is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B201998 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B198279 People (Not for Publication)
v.
Sandoval

The order appealed from is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B178246 Edwards (Not for Publication)
v.
Arthur Andersen LLP

The order sustaining, without leave to amend, Andersen's demurrer to the Cartwright Act cause of actions is affirmed. The judgment in favor of Andersen is otherwise reversed, and the matter is remanded for further proceedings consistent with the opinions expressed herein. Each party shall bear its own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B194549	People v. James Marolo Duffin, Jr.	(Not for Publication)
B201798	In re James Marlo Duffin Jr. on Habeas Corpus	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B201001 People (Not for Publication)
v.
Phillip Lozano

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B204034 Withem (Not for Publication)
v.
Ron Rogers & Associates

The judgment is affirmed in part and reversed in part. On remand, the trial court shall vacate its prior order granting summary judgment. Insofar as the first, second, third, fifth and sixth causes are based on defendant's alleged violation of its duties under section 12940, subdivisions (a), (m), and (n), before plaintiff's medical leave in June 2002, the court shall enter a new order denying summary adjudication. On plaintiff's fourth cause of action for violation of the CFRA, the new order shall grant summary adjudication for defendant. It shall also grant summary adjudication for defendant on plaintiff's first, second, third, fifth, and sixth causes of action, insofar as they are based on defendant's alleged violation of its duties under section 12940, subdivisions (a), (m), and (n) following plaintiff's medical leave in June 2002. Each side shall bear its own costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B199029 Hesselgesser et al. (Not for Publication)
v.
Citibank, N.A.

The judgment (order striking the complaint pursuant to Code Civ. Proc., 425.16) is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

December 18, 2008 (Continued)

DIVISION FOUR (continued)

[illegible]

Defendant's conviction on count two is reversed. In all other respects, the judgment is affirmed. The trial court is directed to send a corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B201424 Kim (Not for Publication)
v.
Weston et al.

We affirm the portions of the judgment awarding economic damages of \$3,150, emotional distress damages of \$60,000, and costs of \$987.55. The award of \$30,000 in punitive damages is reversed. The parties are to bear their own costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B203797 Chaidez (Not for Publication)
v.
Sarnier Enterprises, Inc.

The trial court's order denying Sarner's petition to compel arbitration is affirmed. Chaidez is awarded her costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

December 18, 2008 (Continued)

DIVISION FOUR (continued)

B200456 People (Not for Publication)
v.
Brider

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION SIX

B207170 People (Not for Publication)
v.
Enriquez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B206421 National Careers Corp. (Not for Publication)
v.
Speer

The judgment is affirmed. NCC is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

December 18, 2008 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment (order denying motion to suppress evidence) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B206595 Santa Barbara County Child Welfare Svcs. (Not for Publication)
v.
D.H.,

The order denying appellant's request for injunctive relief is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment (MDO recommitment order) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION EIGHT

B196894 People (Not for Publication)
v.
Williams

For the reasons set forth above, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

B200771 Future-Link, Online, Inc., (Not for Publication)
v.
Microsoft Corporation

The judgment is reversed, and the matter is remanded with directions to adjudicate that Futurenet breached its contract with Future-Link, and to proceed with trial of the remaining elements of Future-Link's cause of action. Future-Link shall recover costs.

Cooper, P.J.

We concur: Rubin, J.
Bigelow, J.

B201536 Fireman's Fund Insurance Company (Certified for Publication)
v.
Sizzler USA Real Property, Inc.,

The judgment is affirmed. Defendant shall recover costs and reasonable attorney fees on appeal, the amount to be determined by the trial court.

Cooper, P.J.

We concur: Rubin, J.
Bigelow, J.

DIVISION EIGHT (continued)

B204434 Los Angeles County, D.C.F S. (Not for Publication)
v.
E.S.,

The order terminating parental rights is reversed and the matter is remanded to the juvenile court with directions to order respondent DCFS to inquire into J.S.'s possible Indian heritage. (Cal. Rules of Court, rule 5.481, subd. (a)(4).) If such an inquiry reveals no basis to know or have reason to know J.S. is an Indian child, the order terminating parental rights shall be reinstated. (Welf. & Inst. Code, § 224.2, subd. (b).) If, however, the inquiry uncovers a basis for any knowledge or suspected knowledge that J.S. is an Indian child, respondent must comply with the notice provisions of the Indian Child Welfare Act. If after receiving notice of the proceedings a tribe claims J.S. is an Indian child and exercises its right to intervene in the proceedings, it may seek relief as provided under the Indian Child Welfare Act. If, on the other hand, no Indian tribe intervenes in the proceedings after receiving proper notice, the order terminating parental rights shall be reinstated.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

B202578 Arnulfo Aldridge (Not for Publication)
v.
Los Angeles MTA

The judgment is affirmed. Respondent is to recover costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Manella, J. (Assigned)

DIVISION EIGHT (continued)

B191032 Nina Ritter (Not for Publication)
v.
Timothy Armour
In re Marriage of Nina and Timothy Armour

The sealing order is vacated and all materials filed in this appeal under seal with the clerk of this court is returned to the parties who filed them. The matter is remanded to the trial court to permit Intervenor-Respondent Capital Group Companies 60 days to reapply for an order sealing (1) the trial materials it designates as its confidential materials and (2) those portions of the trial transcript when witnesses testified about the contents of those materials. If Capital Group Companies does not file an application for a sealing order within 60 days after this opinion becomes final, the trial court shall unseal the entire trial transcript and all CGC materials used at trial. Appellant Nina Ritter is to recover her costs on appeal.

Cooper, P.J.

We concur: Flier, J.
Bigelow, J.

Each of the following:

B201690 People v. Sommerville
B204568 People v. Ray
B206514 People v. Blair
B203185 People v. Dixon
B203231 People v. Sfera
B208291 DCFS v. J.G. et al.

Argument waived, cause submitted.